

**REMARKS**

Claims 1-3 and 5-6 have been rejected under 35 U.S.C. §102(e) as being anticipated by Sasongko, U.S. Publication No. 2003/0124347.

The Examiner's rejection is respectfully traversed.

The applicants' invention is directed to a two-layered adhesive film for bonding non-polar materials such as Styrene-butadiene-rubber (SBR), natural rubber or ethylene copolymers to polar materials such as PVC, polyurethane, polyamide or polyester. The two-layered adhesive film includes a thermoplastic polyurethane based adhesive layer adapted to bond to the polar material and an ethylene copolymer based adhesive layer adapted to bond to the non-polar material. The two adhesive layers are interfacially bonded by coextrusion.

Sasongko '347 is directed to a coextruded film to bond non-polar soles to polar uppers. However, the polar upper disclosed in this reference is a material such as leather or fabric. It is well known to those skilled in the art, that adhesives used to bond materials such as leathers or fabrics is completely different than the adhesives which are required to bond to polyurethane, PVC, acrylic, or polyesters, etc., as that described in the applicants' invention. There is no disclosure in Sasongko '347 to use the adhesive to bond two polymeric upper and sole materials. It is unanticipated that such a coextruded two-layer adhesive would bond the two polymeric materials together and in fact it would require undue trial and error to determine the specific combination that would function as claimed by the applicants. Thus, the applicants' invention is not anticipated by Sasongko '342.

Claim 4 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Sasongko as applied to claims 1-3 above and further in view of Strickland et al., U.S. Patent No. 5,820,719.

The Examiner's rejection is respectfully traversed.

The Strickland '719 patent is directed to a method of forming a sole. The combinations of materials which are disclosed in Strickland et al. '719 are not the same as those disclosed in the present application. When using the specified method, it is not possible to simply interchange materials and expect the combination of materials to work. Simply because Strickland uses a non-leather or fabric upper, does not automatically mean that by replacing the upper material used in Strickland with that used in the '347, that the combination of materials would properly bond. There is no teaching or suggestion to use the combination of materials as claimed by the applicants. Thus, the applicants' invention is not obvious in view of Sasongko '347 in view of Strickland et al. '719.

In view of the foregoing, it is believed that the amended claims and the claims dependent there from are in proper form. The Applicants respectfully contend that Sasongko '347 does not anticipate the claimed invention under the provisions of 35 U.S.C. § 102(e) and the Applicants respectfully contend that the teachings of Sasongko, '347 in view of Strickland et al., '719 do not establish a *prima facie* case of obviousness under the provisions of 35 U.S.C. §103(a). Thus, claims 1-6 are considered to be patentably distinguishable over the prior art of record.

The application is now considered to be in condition for allowance, and an early indication of same is earnestly solicited.

Respectfully submitted,

  
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